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ligence as will justify exemplary damages. *Smith v. Middleton* (1902), — Ky. —, 66 S. W. Rep. 388 56 L. R. A. 484. And the druggist is not relieved of liability by the fact that the negligence was that of a registered pharmacist, employed by him, although such persons are alone permitted, by the statute, to fill prescriptions. *Burgess v. Sims Drug Co.* (1901), — Iowa —, 86 N. W. Rep. 307, 54 L. R. A. 364. To fail to label a bottle containing poison with the word "Poison" as required by the statute will make the druggist liable for an injury to one who is ignorant of its character, but such a statute, it is held, does not apply to medicines compounded upon a physician's prescription, even though they contain poison. *Wise v. Morgan* (1898), 101 Tenn. 273, 48 S. W. Rep. 971, 44 L. R. A. 548.

CONSTITUTIONAL LAW—INTER-STATE COMMERCE—CHARGING MORE FOR SHORTER THAN FOR LONGER HAUL.—The constitution of Kentucky forbids a common carrier to charge more for the transportation of passengers or freight of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but provides that the railroad commission may, upon investigation, for special reasons, relieve a carrier from the prohibitions. Two cases involving the validity and effect of this provision, in view of the Fourteenth Amendment, were recently before the supreme court of the United States. In the first of these cases (*Louisville Railroad Co. v. Kentucky*, 183 U. S. 503, 22 Sup. Ct. Rep. 95), it was held that, as to freight transported wholly within the State, the provision could not be impeached, either because it deprived the railroad company of its property without due process of law, or because it denied to the company the equal protection of the laws; and as to any interference with inter-state commerce resulting from its enforcement, it was held that this was too remote and indirect to be considered. In the second case however, (*Louisville, etc., Railroad Co v. Eubank*, 184 U. S. 27), it was held that, when applied to a long haul of goods from without the state, to a point within the state, and a short haul from one point to another within the state, over the same line and in the same direction the carrier would be obliged to fix his inter-state rate with some reference to the state rate, and that to this extent the provision operated as an attempted regulation of inter-state commerce, and was void. From the latter decision, Justices Brewer and Gray dissented. They contended that the effect of the provision was, not to compel the carrier to make his inter-state rate the same as the state rate, but merely to make the state rate the same as the inter-state rate, and that this was valid in the absence of any complaint that the inter-state rate was so unreasonably low as to interfere with the carrier's constitutional rights.

MALICIOUS PROSECUTION OF PURELY CIVIL ACTION WITHOUT ARREST OF PERSON OR SEIZURE OF PROPERTY.—The vexed question whether an action may be maintained for maliciously prosecuting a civil action where there was neither arrest of the person nor seizure of property, was elaborately discussed in the late case of *Luby v. Bennett*, (1901), 111 Wis. 613, 87. N. W.